

**WILLIAMS, MORGAN & AMERSON, P.C**

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## FACSIMILE TRANSMITTAL SHEET

**GROUP ART UNIT 2191**

DATE: NOVEMBER 3, 2009

TO: CUSTOMER SERVICE HELP DESK TOTAL NO. OF PAGES INCLUDING COVER: 3  
COMMISSIONER FOR PATENTS

FAX: 571-273-6500

PHONE:

FROM: ATTY\_NAME

JEFFREY A. PYLE

RE: REQUEST FOR REFUND

FILE: WMA\_FILE

Serial No.:  
10/807,833☐ URGENT ☐ FOR REVIEW ☐ PLEASE YOUR FILE ☐ PLEASE REPLY ☐ PLEASE HANDLEORIGINAL: ☐ WILL FOLLOW ☒ WILL NOT FOLLOW

NOTES/COMMENTS: -- SEE ATTACHED REQUEST FOR REFUND.

Jeffrey A. Pyle  
Reg. No. 34,904  
Williams, Morgan & Amerson, P.C.  
10333 Richmond | Suite 1100 | Houston, TX 77042  
Voice: 713-934-4070 | Fax: 713-934-4053

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

THEODORE C. GOLDSTEIN *ET AL.*

SERIAL NO.: 10/807,833

FILED: MARCH 24, 2004

FOR: SPECULATIVE COMPILATION

CONFIRMATION NO.: 4323

GROUP ART UNIT: 2191

EXAMINER: JUNCHUN WU

ATTORNEY DOCKET: 2095.001000/JAP  
(P3125US1)

CUSTOMER NO. 62293

## REQUEST FOR REFUND

## MAIL STOP 16

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request for a refund of the \$1,110 extension of time fee submitted with the petition on February 6, 2009. According to the Decision mailed April 8, 2009 (copy enclosed) the fee is unnecessary and subject to refund. The Director is hereby requested to make this refund by crediting Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2095.001000/JAP the amount of \$1,110.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 62293

November 3, 2009

  
Jeffrey A. Lyle

Reg. No. 34,904

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ATTORNEY FOR APPLICANTS



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

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APR 08 2009

OFFICE OF PETITIONS

WILLIAMS, MORGAN & AMERSON, P.C.  
10333 RICHMOND AVE.  
SUITE 1100  
HOUSTON, TX 77042

In re Application of  
Theodore C. Goldstein, et al.  
Application No. 10/807,833  
Filed: March 24, 2004  
Attorney Docket No. 2095.001000/P3125US1

ON PETITION

This is a decision in response to the petition, filed February 6, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 17, 2008. A Notice of Abandonment was mailed on December 9, 2008. On February 9, 2009, the present petition was filed.

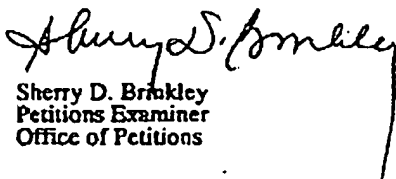
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on February 6, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and subject to refund.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 2191 for consideration of the amendment filed February 6, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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**APR 08 2009**

**OFFICE OF PETITIONS**

WILLIAMS, MORGAN & AMERSON, P.C.  
10333 RICHMOND AVE.  
SUITE 1100  
HOUSTON, TX 77042

In re Application of  
Theodore C. Goldstein, et al.  
Application No. 10/807,833  
Filed: March 24, 2004  
Attorney Docket No. 2095.001000/P3125US1

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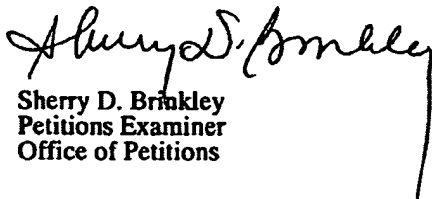
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Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions

## Electronic Patent Application Fee Transmittal

**Application Number:**

10807833

**Filing Date:**

24-Mar-2004

Adjustment date: 11/13/2009 HDESTA1  
02/09/2009 INTEFSW 00001215 500786 10807833  
02 FC:1253 1110.00 CR

**Title of Invention:**

Speculative compilation

**First Named Inventor/Applicant Name:**

Theodore C. Goldstein

**Filer:**

Jeffrey A. Pyle/Cynde Meinhart

**Attorney Docket Number:**

2095.001000/P3125US1

Filed as Large Entity

### Utility under 35 USC 111(a) Filing Fees

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-------------|----------|----------|--------|----------------------|
|-------------|----------|----------|--------|----------------------|

**Basic Filing:**

**Pages:**

**Claims:**

**Miscellaneous-Filing:**

**Petition:**

Petition-revive unintention. abandoned appl

1453

1

1620

1620

**Patent-Appeals-and-Interference:**

**Post-Allowance-and-Post-Issuance:**

**Extension-of-Time:**

| Description                        | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 1253     | 1        | 1110   | 1110                 |
| Miscellaneous:                     |          |          |        |                      |
| Total in USD (\$)                  |          |          |        | 2730                 |